

Atty. Docket No. 010520
Serial No. 09/998,152
Response Dated March 15, 2007
Reply to Office Action Dated January 10, 2007

REMARKS

Claims 2-7, 9-31, 33 and 35-37 are standing in this application. Claims 2, 6, 21, 25, 30, 31, and 33 are amended. No new matter has been entered. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Interview Summary

Applicant's representative conducted a telephonic interview with Examiner Robinson on Wednesday, March 14, 2007 to discuss a proposed draft amendment of the above-referenced application. No cited references were discussed. Pending claims 2, 6, 21, 25, 30, 31, and 33 were discussed. Amendments to claims 6, 30, 33, and 36 were discussed and such amendments are reflected in the amended claims listing above. Agreement was reached as to allowability of all pending claims 2-7, 9-31, 33 and 35-37 in view of the amendments above.

35 U.S.C. §112 Rejections

At page 2, paragraph 4 of the Office Action, claims 2-7, 9-24, 31, 33, 35, and 36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses the rejection.

Applicant has amended the claims to overcome the § 112 rejection and not to overcome any of the cited references. Accordingly, these amendments should not be construed in a limiting manner.

Regarding claims 2, 31, and 33 Applicant has amended the preamble of these claims to recite "computer implemented" method as recommended in the Office Action. Accordingly, withdrawal of the indefiniteness rejection with respect to claims 2, 31, and 33 is respectfully requested.

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Regarding claims 2, 21, and 33 Applicant has amended these claims to address the rejection based on antecedent basis. Accordingly, withdrawal of the indefiniteness rejection with respect to claims 2, 21, and 33 is respectfully requested.

Applicant respectfully traverses the definition of the term "inventorying" suggested by the Office Action and that the term is used to mean "transmitting" and that the term is indefinite because the specification does clearly redefine the term. Rather, regarding claims 2, 21, 31, 33, and 36 applicant respectfully submits that the term "inventorying" is definite both in the plain language accepted meaning and as it is used in the context of claims 2, 21, 31, 33, and 36. Therefore, Applicant submits that the term need not be redefined in the specification. In support, Applicant submits the following definition for the term "inventorying":

Inventorying: To include in an itemized report or record.
inventorying. (n.d.). *The American Heritage® Dictionary of the English Language, Fourth Edition*. Retrieved March 13, 2007, from Dictionary.com website:
<http://dictionary.reference.com/browse/inventorying>; inventorying. Dictionary.com. *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. <http://dictionary.reference.com/browse/inventorying> (accessed: March 13, 2007); inventorying." *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. 13 Mar. 2007. <Dictionary.com
[>.](http://dictionary.reference.com/browse/inventorying)

Therefore, as recited in claims 2, 21, 31, 33, and 36, the expression "inventorying an asset document into the associated record in the database on a flow basis" means to include an

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asset document into the associated record in the database on a flow basis. This may be accomplished by storing the asset document in the associated record in the database on a flow basis. Accordingly, withdrawal of the indefiniteness rejection with respect to claims 2, 21, 31, 33, and 36, is respectfully requested.

At page 3, paragraph 5 of the Office Action, claims 2-7, 9-31, 33, and 35-37 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. Applicant respectfully traverses the rejection.

Applicant has amended the claims to overcome the § 112 rejection and not to overcome any of the cited references. Accordingly, these amendments should not be construed in a limiting manner.

According to the Office Action, claims 2, 21, 25, 31, 33, 36, and 37 omit the operational procedures for aggregation and authentication. Applicant disagrees with the rejection.

With respect to authentication, claim 2 recites:

analyzing contents of the asset document to ensure compliance with at least one standard pursuant to securitization of multiple assets, wherein at least one of the multiple assets comprises a commercial mortgage loan....

Applicant respectfully submits that analyzing contents of the asset document to ensure compliance with at least one standard is at least one method of authenticating the asset document.

With respect to aggregation, claims 2, as amended, recites:

generating common information from a plurality of the records pursuant to securitization of the multiple assets;

wherein generating comprises aggregating the common information contained in the plurality of records and compiling the aggregated common information in a datafile.

Therefore, Applicant submits that claim 2, as amended, recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 2, and claims 3-7 and 9-20 based on dependency.

With respect to authentication and aggregation, claim 21 recites:

analyzing the contents of the asset document to promote compliance with a standard... and

generating common information from the database pursuant to securitization of the multiple assets;

wherein generating comprises aggregating the common information contained in the plurality of records and compiling the common information in a datafile.

Therefore, Applicant submits that claim 21, as amended, recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 21, and claims 22-24 based on dependency.

With respect to authentication and aggregation, claim 25 recites:

generating comparison data wherein the comparison data comprises compared common data fields of the stored first information from a plurality of the asset documents within the record, retrieving the comparison data and providing the comparison data to a user pursuant to securitization of multiple assets, wherein at least one of the multiple assets comprises a commercial mortgage loan ... and

a data output device for generating first output information from the processor pursuant to securitization of the multiple assets, wherein generating comprises aggregating the first output information contained in the plurality of records and compiling the first output in a datafile.

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Therefore, Applicant submits that claim 25, as amended, recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 25, and claims 26-29 based on dependency.

With respect to authentication and aggregation, claim 31 recites:

analyzing contents of the asset document to ensure compliance with customary standards for loan securitization; ... and

generating common information from a plurality of the records where the common information is generated for the purpose of securitizing the asset into a trust and providing common information to potential investors in the trust;

wherein generating comprises aggregating the common information contained in the plurality of records and compiling the aggregated common information in a datafile.

Therefore, Applicant submits that claim 31, as amended, recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 31.

With respect to authentication and aggregation, claim 33 recites:

analyzing contents of the asset document to ensure compliance with at least one standard pursuant to securitization of multiple assets... and

generating common information from a plurality of the records pursuant to securitization of the multiple assets, wherein at least one of the multiple assets includes a commercial mortgage loan, wherein the generating step comprises:...

aggregating the common information contained in the plurality of records....

Therefore, Applicant submits that claim 33 recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 33, and claim 35 based on dependency.

With respect to authentication and aggregation, claim 36 recites:

analyzing contents of the asset document to ensure compliance with at least one standard pursuant to securitization of multiple assets, wherein at least one of the multiple assets comprises a commercial mortgage loan... and

generating common information from a plurality of the records pursuant to securitization of the multiple assets, wherein the generating step comprises:....

aggregating the common information contained in the plurality of records....

Therefore, Applicant submits that claim 36 recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 36.

With respect to authentication and aggregation, claim 37 recites:

generating comparison data wherein the comparison data comprises compared common data fields of the stored first information from a plurality of the asset documents within the record, retrieving the comparison data and providing the comparison data to a user pursuant to securitization of multiple assets, wherein at least one of the multiple assets comprises a commercial mortgage loan ... and

aggregating information from the multiple asset documents to create an asset aggregation output for use in securitizing the multiple assets into a financial instrument....

Therefore, Applicant submits that claim 37 recites the elements of authentication and aggregation. Accordingly, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 37.

With respect to claim 30, Applicant has amended claim 30 in accordance with the Examiner's request. Therefore, Applicant respectfully requests withdrawal of the indefiniteness rejection with respect to claim 30.

At page 4, paragraph 6 of the Office Action, claims 2-7, 9-31, 33, and 35-37 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. In view of the above amendments and remarks, Applicant respectfully submits

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that claims 2-7, 9-31, 33, and 35-37 are now in condition for allowance. Accordingly, Applicant respectfully requests that this amendment after final office action be entered and that the Office issue a timely notice of allowance.

The Examiner is invited to contact the undersigned representative by telephone to discuss any outstanding issues with this application.

The Office is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 11-1110.

Respectfully submitted,



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